

## REMARKS

## CLAIMS IN APPLICATION

Claims 1-12 and 16-18 are in the application.

5 Claims 13-15 have been cancelled in this Amendment.

## CLAIM REJECTIONS UNDER 35 USC 102

Claim 17 stands rejected under 35 USC 102 as being anticipated by Cecala et al (henceforth "Cecala"). Amended  
 10 claim 17 recites an illumination source that is not "connected to and thereby constrained by an electric cord" as is clearly the case with the device of the Cecala patent. Moreover, amended claim 17 recites that the illumination source assembly can be angle adjusted "by a user to a user  
 15 selected position ... ." In the device of Cecala it is the stiffness of the electric cord that automatically adjusts the position of the illumination source. Cecala does not provide the freely adjustable illumination source of the present invention, and so cannot be said to anticipate the invention  
 20 recited in claim 1.

Claims 13-15 are cancelled in this Amendment.

## CLAIM REJECTIONS UNDER 35 USC 103

Claim 1 stands rejected for obviousness over Cecala  
 25 in view of Mickey '293. Amended claim 1, similar to amended claim 17, discussed above, recites that the illumination source is not connected to or constrained by an electrical cord. As this distinguishes claim 1 over Cecala on a basis distinct from the weight of the illumination source, the  
 30 combination of Cecala and Mickey '293, which also shows an illumination source constrained by an electrical cord, do not render claim 1 obvious. Claims 2-3 and 6 are patentably distinguished over the prior art because they depend on a base claim that is patentably distinguished over the prior

art. Amended claim 4 recites that the illumination assembly is attached to the visor in a position in which it does not block the vision of the helmet wearer. Claim 4 is also distinguished over the prior art for this additional reason.

5           Claim 5 stands rejected over Cecala in view of May and Lenart. Claim 5 is patentably distinguished over the prior art because it depends on a base claim that is patentably distinguished over the prior art.

          Claims 7-10, 12 and 16 stand rejected over the  
10 combination of Cecala and Caplan. Amended claim 7, however, recites that the illumination is unconnected with and thereby unconstrained by an electrical cord. Both Cecala and Caplan show an illumination source that is connected to and constrained by an electrical cord. Accordingly, amended claim  
15 7 is patentably distinct over the prior art. Claim 8-10 and 12 are patentably distinct over the prior art because they depend on a base claim that is patentably distinct over the prior art. Claim 16 has been amended to indicate that the illumination source assembly does not protrude more than 6 cm  
20 from any portion of the headgear. Applicant believes that the PTO has cited no reference that shows such a configuration. Moreover, this is very important, because it reduces the snagging hazard faced by firefighters.

          Claim 11 stands rejected on the basis of Cecala,  
25 Caplan and Lenart. But claim 11 depends on amended claim 7, which recites that the illumination source is not connected to an electrical cord, thereby distinguishing itself and progeny claim 11, over all three of the cited references.

          Claim 18 stands rejected over Cecala in view of  
30 May, Jr. But May, Jr. is too far afield, showing a ski accessory. There is no overlap between the U.S. Current Classification of May, Jr. and Cecala. Accordingly, one of ordinary skill in the art would not consider combining these references from very different fields.

No claims have been added in this amendment and it is timely filed, so no fee is due. It is respectfully submitted that the claims are now in a condition for allowance. Reconsideration and early notification of  
5 allowance are earnestly solicited.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

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I hereby certify that this correspondence is being sent via facsimile to the United States Patent and Trademark Service at fax no. 571-273-8300 on March 25, 2009.

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Signed: \_\_\_\_\_  
Timothy E. Siegel